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BIRMINGHAM UNDER THE COMMISSION PLAN

BY HON. WALKER PERCY,
Attorney-at-Law, Author of the Birmingham Statute.

Commission government for the city of Birmingham became effective April 10, 1911. Prior to that time the city government was vested in the mayor and thirty-two aldermen. These aldermen were chosen from different wards in the city and served without legal compensation. For several years prior to the adoption of commission government, the thoughtful, patriotic citizens of Birmingham had regarded, with growing distrust and apprehension the operations of the unpaid ward aldermanic system. Birmingham has always been fortunate in having some honest, intelligent, public-spirited men upon its board of aldermen, but the system, inherently bad, bore in Birmingham its usual fruit of incapacity, unwieldiness, clique, domination, individual greed and graft and the taint of corruption. The leaders in city politics, and the bosses, in and out of office, feeling sure of their position, daily became bolder, more brazen and more contemptuous of decent public opinion.

Believing that with the increasing wealth and importance of the community and the resulting increase in the importance of public contracts handled by the board of aldermen corruption would increase and efficiency diminish; realizing that with the increase in the duties and responsibilities resting upon the board of aldermen it would become more and more difficult to secure good men to fill the positions; and believing that no permanent improvement could be had except by a change in the system of government, I appeared before the state legislature with the avowed intention of procuring the enactment of commission government for the City of Birmingham. In a city primary, shortly preceding the convening of the legislature, the democratic voters of Birmingham declared in favor of commission government by a vote of about ten to one.

Popular sentiment in Birmingham had crystallized so strongly and had been manifested so plainly for commission government, and the interest in this new form of city government had so developed

over the state, that there was no open, organized opposition to the passage of legislation on this subject, and the commission bill applying to cities of the size of Birmingham was approved by the governor on the thirty-first of March, 1911.

In drafting the Birmingham bill, I derived more benefit from the Des Moines charter than from any other legislation; and yet, in a few important respects, our commission plan differs from any other. Manifestly, commission government has its fundamentals in the concentration of power and responsibility, coupled with the payment of reasonably adequate compensation. Birmingham has three commissioners. I believe the small number preferable, because of the increased honor and responsibility, and because the smaller number permits, with due regard to economy, the payment of better salaries. Our commissioners, receiving seven thousand dollars each, are the best paid commissioners I know of. Such salaries could not well have been paid if the law had provided for five commissioners. The Birmingham plan provides that the terms of the three original commissioners expire, respectively, on the first Mondays in November, 1913, 1914, and 1915. Only one commissionership will come up before the people at a time, and the successful candidate must receive a majority of all the votes cast. If in an election no candidate receives a majority, another election must be held on the same day of the following week between the two high candidates. It is easier for the voters to fill well one office at a time, and the election of only one commissioner at a time affords some guarantee of stability of government. The requirement for a majority vote was designed to prevent the achievement of victory by the forces of evil, which are always active, selfishly intelligent and combined. Vacancies in the commission occasioned by death, resignation or like causes will be filled by the remaining commissioners.

In the election of commissioners, every safeguard that I could devise is thrown around the election to prevent the use of money or, what might be more dangerous, the building up of a machine by the large power of patronage. All city employees are prohibited by law from endeavoring to influence any voter in favor of or against any candidate for commissioner. The Birmingham bill does not permit voters to initiate legislation. I doubt the wisdom or practicability of the initiative in either city or state government. Our law

authorizes a referendum to the voters on nothing but the granting of franchises to public utility corporations. Activities in procuring such franchises have been one of the frequent causes of municipal corruption. No referendum is provided on the refusal of such franchises, because the possibilities of corruption and evil on this account are manifestly insignificant. The law contains a provision for elections for the recall of commissioners on petitions signed by three thousand voters. The great power concentrated in the hands of a few men made the recall seem to me most valuable as a check. I want to say frankly, and with regret, that there has always been serious doubt in my mind as to the constitutionality of the recall provision under our state constitution.

The first commissioners of the city of Birmingham are Messrs. Exum, Lane and Weatherly. Birmingham has cause for satisfaction in the personnel of its commission. Public employees can be divided into two classes: those who work the public and those who work for the public; those who see in public office an opportunity for private profit, and those who regard it as an opportunity for useful service. All three of the Birmingham commissioners belong to the second class. All of them are honest, sensible, patriotic and intelligent. All have records of honorable, successful achievement. Mr. Exum, the chairman of the commission, was the mayor of Birmingham at the time of the adoption of commission government, and in his candidacy for the mayoralty was outspoken in his support of the commission plan. He is well known as one of the most public-spirited men in Birmingham, and has been a successful business man. Judge Lane was circuit judge of Jefferson county at the time of his appointment on the commission, and had previously served as mayor of Birmingham. It is no disparagement of the other commissioners, whom I highly esteem, to say that Judge Lane's executive ability, his high sense of honor and justice, his unselfish, unswerving and untiring devotion to duty, his inflexible courage, grim determination, and his indifference to all other considerations except the public welfare, render him in this, as in the other public positions which he has so faithfully filled, a public servant upon whose worth no value can be placed. Mr. Weatherly was one of Birmingham's successful lawyers and a man of recognized intellectuality. With all of these men, public service is a labor of love for the community in which they live; and yet, in considering

the form of government, it is well worthy of note that at least two of the Birmingham commissioners could not have afforded to have accepted the positions had not the salaries been made reasonably adequate.

When the bill was under discussion, strenuous efforts were made to amend the bill so as to provide for five commissioners and so as to limit the compensation to forty-five hundred dollars. There is not a thoughtful man in Birmingham to-day who would not oppose reducing the salaries of the commissioners below the amount fixed in the bill; and the smaller number of commissioners has secured harmony and concentration.

Commission government in Birmingham has been an unqualified business success. With the appointment of our commissioners there dawned a new day in our civic progress. We are realizing the fruition of long cherished hopes. The same sort of fidelity, honesty, energy, loyalty and intelligence is being displayed by these public employees that we have been accustomed to expect from private employees. A dollar of city money in Birmingham can buy as much in labor, service, and material as a dollar of individual money. When the commissioners entered upon their duties, Birmingham's floating debt under aldermanic government had been piling up with alarming rapidity. A favored bank had selfishly dominated the city's finances, and the other banking institutions of the city had felt that it was useless for them to consider, or endeavor to aid in, the city's financial problems. Practically all of the Birmingham bankers were enthusiastic believers in commission government, and have rallied in loyal support of the new administration. Immediately after the commissioners entered office, a note for three hundred thousand dollars, which had been bearing interest at six per cent per annum, fell due. The old administration bank, which had controlled the loan, offered to renew it at the same rate, but the commissioners placed the loan with other Birmingham banks for three months at five per cent. It is interesting to note how this reduced rate of interest was agreed upon. Colonel Smith, of the Birmingham Trust and Savings Company, a warm supporter of commission government, offered to handle the loan for the commission. One of the commissioners asked him what rate of interest he would charge, to which he replied: "Name whatever rate you think fair." A short time later, five hundred thousand dollars was borrowed by the

commission on the city's plain note for four months from Birmingham banks at a discount of three and three-quarters per cent. Under the old system of government, the city would certainly have paid for this money not less than six per cent per annum.

The Birmingham commissioners issue monthly a compact summary of their proceedings for the previous month, showing in the simplest and plainest terms all receipts and disbursements of the city and all transactions of the least importance. The first aim of the commissioners was to reduce the current expenses of the city to fit its income. All sinecures were abolished. Operating expenses were cut to the bone, and the regular operating expenses of the city, in the first twenty days the commission was in existence, were reduced in the annual sum of ninety-four thousand five hundred and thirty-four dollars, without decreasing the efficiency of the city government. While the Birmingham commission has resorted to every intelligent economy, it has not hesitated to spend money so as to secure better results and increased efficiency.

The commission has abandoned the use of horses in its fire department and purchased at one time sixteen motor-driven engines for its fire department at a cost of sixty-nine thousand three hundred and twenty-eight dollars. With its large industrial population, one of the most pressing needs of Birmingham is adequate parks and playgrounds; and at the request of the commissioners, some of the most capable and public-spirited men in the community have agreed to serve without compensation as park commissioners for the purpose of devising plans for a park system for the city. There is no "red tape" in the conduct of Birmingham's city affairs. The commissioners devote all of their time to the public business, and a crippled negro mendicant can secure an audience with the commission as easily as a street car magnate.

The work of city government is divided by the commissioners into departments headed by the respective commissioners. Under the law the division into departments can be made and rearranged by the commissioners to suit themselves. But all important questions are passed upon by the entire commission and the recommendations of a commissioner as to his department are in no sense binding upon the board.

The continued success of the Birmingham commission will, of course, depend upon the character of its commissioners, but I con-

fidently predict that in place of the scornful apathy and indifference which formerly characterized the selection of our aldermen, intelligent, public-spirited, enthusiastic and organized interest will be displayed by the best people of Birmingham in maintaining the personnel of the Birmingham commission at its present high standard.